

than 60 different firearms offenses. The Bureau of Alcohol, Tobacco, and Firearms posts on its Web site a reference guide to Federal firearms regulations. It is 243 pages long. But during the first decade of the 21st century, according to the Census Bureau, the percentage of intentional homicides from handguns, rifles, or shotguns all declined rather than rose.

Even more important than these legislative considerations is the fact that public policy in this area impacts fundamental constitutional rights. When other tragedies occur, even terrorist attacks, we often hear that such circumstances must not weaken our commitment to the Bill of Rights, and I do not believe we should do so now.

One of the disturbing arguments I have heard so often during this debate is that Americans do not “need” certain guns for certain activities or do not “need” to exercise their Second Amendment rights in certain ways. This dangerous view gets it exactly backwards. The place to start is with the individual right that the Constitution guarantees and the burden should be on the government to justify infringing or limiting that right. Imagine if the government told us how much speech or the exercise of religion we “need” under the First Amendment or if the government told us how much privacy we “need” under the Fourth Amendment. My liberal friends would howl in protest if we treated other provisions of the Bill of Rights in the way they want to treat the Second Amendment.

The Second Amendment guarantees a fundamental right of individuals to keep and bear arms. In fact, the Second Amendment merely codifies a right that already existed, a right that predates the Constitution itself. In 1982, when I chaired the Judiciary Subcommittee on the Constitution, we published a landmark report on the history of this fundamental right. More than 25 years before the Supreme Court officially said so, our report established that the Second Amendment “was intended as an individual right of the American citizen to keep and carry arms in a peaceful manner, for protection of himself, his family, and his freedoms.”

The President yesterday called it “shameful” that the Senate defeated gun control proposals that he favors. I disagree. There was nothing shameful about opposing legislation that failed to respond to the Newtown tragedy, that cannot prevent such tragedies from ever happening again, and that undermines the Bill of Rights.

Two things will always be true as we continue grappling with violence in our society: people, not guns, kill and harm other people and criminals will not obey the law. It does no good to pretend otherwise or legislate for a society in which those things are not true, in other words, for a society that does not exist. We have to address the society we have, a society we want to re-

main free, a society in which we are protected by the Constitution. I could not support the legislation before us because it failed to meet this standard.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2 p.m.

Thereupon, the Senate, at 12:44 p.m., recessed until 2 p.m. and reassembled when called to order by the Presiding Officer (Ms. HEITKAMP).

#### EXECUTIVE SESSION

##### NOMINATION OF ANALISA TORRES TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK

##### NOMINATION OF DERRICK KAHALA WATSON TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF HAWAII

The PRESIDING OFFICER. Under the previous order the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The legislative clerk read the nominations of Analisa Torres, of New York, to be United States District Judge for the Southern District of New York and the nomination of Derrick Kahala Watson, of Hawaii, to be United States District Judge for the District of Hawaii.

The PRESIDING OFFICER. Under the previous order, there will now be 15 minutes for debate equally divided in the usual form prior to votes on the nominations.

The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, Monday's confirmation of Judge Beverly O'Connell marked the 150th confirmation of a Federal trial court nomination by President Obama. Thanks to Senate Republicans' concerted effort to filibuster, obstruct and delay his moderate judicial nominees, it took almost 1 year longer to reach this milestone than it did when his Republican predecessor was serving as President, 10 months in fact. I have repeatedly asked Senate Republicans to abandon their destructive tactics. Their unwillingness to do so shows that Senate Republicans are still focused on obstructing this President, rather than helping meet the needs of the American people and our judiciary.

The ability of hardworking Americans to get their day in court and have their rights protected should not be subject to this kind of wrongheaded, partisan obstructionism. Today, the Senate is being allowed to vote on just 2 of the 15 judicial nominees ready for confirmation. Ten of the judicial nominees confirmed this year could and should have been confirmed last year.

There are still four judicial nominees in that category, who are part of the backlog on which Senate Republicans insist on maintaining. And like so many of President Obama's district court nominees, Analisa Torres and Derrick Watson have had to wait more than 60 days after being voted on by the Judiciary Committee to be considered by the Senate. These systematic delays help explain why we remain more than 20 confirmations behind the pace we set with President Bush's nominees. We can make up much of that ground if Senate Republicans would just agree to a vote on all 15 nominees currently pending on the Executive Calendar. All of them received bipartisan support in committee, and all but one were unanimously approved by the committee. There is no good reason for further delay, especially at a time when judicial vacancies remain at 85.

Let us clear the backlog of judicial nominees ready for confirmation. Republicans have recently started pointing to 2004. In 1 month in 2004, a presidential election year, we were able to clear a backlog of consensus nominees by confirming 20. This insistence on delay and holding over consensus nominees from 1 year to the next has been constant. Seventeen of the confirmations for which Senate Republicans now seek credit over the past 2 years should have been confirmed more than 2 years ago in the preceding Congress. That is when they allowed only 60 judicial confirmations to take place during President Obama's first 2 years in office, the lowest total for a President in over 30 years. Indeed, during President Obama's first year in office, Senate Republicans stalled all but 12 of his circuit and district nominees. That was the lowest 1-year confirmation total since the Eisenhower administration, when the Federal bench was barely  $\frac{1}{2}$  the size it is today.

The fact is that we have these 15 nominees waiting for a vote. We have 15 judgeships that can be filled so that hardworking Americans in New York, Hawaii, Louisiana, California, Florida, Oregon, Pennsylvania, North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Missouri, Arkansas, New Mexico, Colorado, Kansas, Oklahoma, Utah, and Wyoming can have better access to justice. All Senate Democrats are prepared to vote on all of these nominees today.

Judge Analisa Torres is nominated to serve on the US District Court for the Southern District of New York. She currently serves as a New York State Supreme Court Justice. Previously, she served as an acting New York State Supreme Court Justice, a judge for the Civil Court of the City of New York, and as a judge for the Criminal Court of the City of New York. She received her A.B., magna cum laude, from Harvard University and her J.D. from Columbia Law School. Judge Torres has the strong support of her home State Senators, Senator SCHUMER and Senator GILLIBRAND.

Derrick Kahala Watson is nominated to the US District Court for the District of Hawaii. He currently serves as the chief of the Civil Division in the US attorney's office in the District of Hawaii. Prior to that, he was an assistant United States attorney in the same office. From 1995 to 2000, he served as an assistant United States attorney in the Northern District of California and served as deputy chief of the Civil Division from 1999 to 2000. In addition to his service at the US attorney's office, he was in private practice for more than a decade. Derrick Watson received his J.D. from Harvard Law School and his A.B., cum laude, from Harvard College. He has the support of his home State Senators, Senator HIRONO and Senator SCHATZ.

Both nominees were unanimously approved by the Senate Judiciary Committee by voice vote 2 months ago.

Like almost all of the other nominees pending on the Executive Calendar, these are the kind of mainstream and consensus nominees who should be confirmed quickly. For nearly 4 years vacancies have been at or above 80, putting an unnecessary strain on our Federal courts. Sequestration cuts have added to the pressure on our justice system. Let us vote on the remaining nominees so that they can get to work for the American people.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Madam President, I rise to speak in support of the nomination of Derrick Kahala Watson to be a district judge for the U.S. District Court of Hawaii. But before I discuss this nomination, I would like to join with the rest of my colleagues in acknowledging the week we have had and how trying it has been for all Americans. The horrific bombing at the Boston Marathon, the targeting of Senate offices and the President with mail containing poison, other actions at the Capitol, and now this tragic explosion in Texas have captured our attention and given us all perspective on what is important in life. Our hearts go out to all the victims and their families.

Turning now to Mr. Watson's nomination, I thank Chairman LEAHY and Ranking Member GRASSLEY of the Judiciary Committee for their quick consideration, referring this nomination to the full Senate for a vote. Mr. Watson was born in Hawaii. He attended Harvard college and Harvard Law School and started a successful career in law in San Francisco, CA, before returning to Hawaii to serve as an assistant U.S. attorney.

Mr. Watson testified before the Judiciary Committee in January at my first hearing as a Senator. He demonstrated that he had the qualifications, ability, and temperament to be an outstanding judge for Hawaii.

Once he is confirmed by the Senate, Mr. Watson will be the only person of Native Hawaiian descent serving as an article III judge, and only the fourth to serve in the history of the United States.

In addition, once he joins the Federal bench in Hawaii, that court will be the first majority Asian American Pacific Islander article III court in American history.

I am proud to support Judge Watson, and I am happy that the Senate will vote to confirm him today. I certainly urge all my colleagues to cast a unanimous vote for his nomination.

The PRESIDING OFFICER. The Senator from New York.

Mrs. GILLIBRAND. Madam President, I am deeply honored to stand here today in support of Analisa Torres's nomination to the United States District Court for the Southern District of New York. I also want to thank President Obama for acting on my recommendation and nominating another superbly qualified female jurist to the Federal bench.

I know Judge Torres as a fair-minded woman of great integrity. Her lifetime of public service and legal experience, serving as a jurist, an attorney, and serving her community has earned her the respect of her colleagues. Her body of work demonstrates her qualifications to serve on the Federal bench.

Since 2000, she has served as a judge in various courts, including the Criminal Court of the City of New York, and in 2012 she was elected to a 14-year term as a New York State Supreme Court Justice. Judge Torres has previously worked in private practice, as a law clerk, and as a teacher. In her current role, she has exemplified pragmatism and has demonstrated a consistent commitment to thoughtful, sound and fair reasoning.

In addition to her professional work, she has shown an enduring commitment to her community.

There is no question that Judge Torres is extremely well qualified and well suited to serve as a Federal court judge. I strongly believe this country needs more women like her serving in the Federal judiciary—an institution I believe needs more exceptional women.

Today, women make up only 30 percent of the Federal bench.

According to the National Women's Law Center, only 66 women of color currently serve as active Federal judges—that is less than 10 percent of the Nation's active Federal bench.

We have to do better.

Judge Torres's nomination has been pending before this body for over 150 days. I urge my colleagues to put aside partisan differences and help us move forward on the 14 judicial nominees who have been forced to deal with this unprecedented delay.

I remind my colleagues that greater diversity, of gender, ethnicity and professional backgrounds, are not just ideals that we should aspire to, but steps we must take to have a judiciary that is more diverse, and more reflective of the great country we live in. I have no doubt that having Judge Torres serving in the Federal judiciary will bring us closer to that goal.

I was proud to recommend her for this position. I urge all my colleagues

to join me and vote in support of her nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I will be voting for both of these nominees for judges, but I would like to make some comments because I hear rumblings of how Senate Republicans are obstructing judicial nominees. I would just like to remind my colleagues of how well we are proceeding.

Today the Senate will consider two more judicial nominations. These nominations are people, as I just said, I am going to approve. This is the third of this week, and with today's expected action we will have confirmed 4 circuit and 9 district nominees during this Congress, for a total of 13. At this point in 2005, during President Bush's second term, the Senate had confirmed not 13 like now, with us, not 9, not 4, but only 1 judicial nominee. So that would be a record of 13 for this administration and 1 for a counter time during the second Bush administration.

As I stated last week, the quick pace of this year comes on top of a very productive 112th conditioning, in which 111 judges were confirmed. That was more judges confirmed than any other Congress going all the way back 20 years. Overall, with today's actions, we will have confirmed 184 judicial nominees. Divide it this way, 34 circuit judges and now 150 district judges. The Senate has defeated only 2 nominees. That is a record of our passing 184 to 2 that have not been approved. That is a .989 batting average. So I do not know who is shedding tears around here, but they ought to look at the record.

Other nominees are still being considered by the Senate and a few remain in committee. I note we have a hearing scheduled next week for another circuit and district judge, so we are continuing to move forward. But even counting those pending nominations, the President has a confirmation rate that is comparable to that of President George W. Bush, President Clinton, and exceeds that of President George H.W. Bush.

Again, there is no credible basis to say this President is being treated differently from previous Presidents. What is different, though, in the case of this President is the manner in which he has allowed vacancies to accumulate before submitting nominations. It is about time that down at the White House they get down to work, decide who they are going to nominate, and get the nominations up here. His failure to make judicial nominations a priority in his first year when Democrats had a filibuster-proof majority in the Senate resulted in an increase of vacancies. That was not the fault of Senate Republicans.

Throughout his administration it has been the case that a majority of vacancies have had no nominees. Presently, do you know that three of four vacancies have no nominees up here?

For the 36 vacancies categorized as “judicial emergencies,” there are only 8 nominees. So I just want to set the record straight before the vote for these nominees because I get tired of these crocodile tears being shed. Particularly, I am sick of hearing about us not moving on judges when three-fourths of them we don’t even have the nominees here yet. So quit crying.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I share the perplexed attitude of the Senator from Iowa about our friends’ concern about nominations. The President has even talked about it. I have gone back and looked at the record. There was a Washington Post article 3 weeks ago. I gave a copy of it to the President. This is what it said: On Cabinet nominations, this Senate has considered President Obama’s Cabinet nominations more rapidly than they did the last three Presidents. That is Cabinet nominations. Never in the history of the Senate has the Senate denied a Cabinet nomination by filibuster, with the exception of the Democrats blocking John Bolton in the George W. Bush administration. So the President is treated better on Cabinet nominations.

Evidence from the Congressional Research Service says President Obama’s circuit judges in his first term were considered more rapidly than President George W. Bush’s circuit judges. Senator GRASSLEY just pointed out that in the second term of President Bush he had 1 judge confirmed by this time; President Obama has 13.

On district judges, according to the Congressional Research Service, during the first term of President Obama his district judges were considered a little more slowly than President George W. Bush’s, but the Senate changed the rules earlier this year to cut down the postclosure debate time to make it easier to bring judges to the floor and get them through more rapidly. Perhaps that is why the score is 13 to 1, with Obama getting 13 judges and Bush getting 1 in the same period of time in the second term.

I do not know where this is coming from. In addition, we have never blocked a district judge by filibuster—neither party in the history of the Senate. In the circuit judges we never blocked a circuit judge until George W. Bush made some nominations about the time I came to the Senate 10 years ago, and the Democrats started it. They caused Miguel Estrada to be blocked and a number of others, and they brought up cloture motions time after time and we had a gang of 6, 8, 10 or 14 who slowed it all down. But still the score is 5 to 2; 5 Republican judges blocked for confirmation by the Democrats under President Bush, and 2 by Republicans with President Obama.

We worked pretty hard for the President to confirm his nominations. We had two sets of rules changes, and we

have a number of expedited nominations which come now to the desk. We had about 170 nominations that have been completely removed from Senate confirmation. I would think the Obama administration would be thanking the Senate for its work to make it easier for any President to get confirmations. In any event, when we are talking about Cabinet Members, President Obama is being better treated than the last three Presidents. When we are talking about circuit judges he is better treated than George W. Bush. When we are talking about district judges he is treated a little worse in his first term than George W. Bush, but we changed the rules to speed up district judges. The score in the second term, as I have said twice now, is Obama 13, Bush 1—Obama way ahead.

I like to see confirmations move ahead. I hope I do not hear this much more, when the record shows that in fact it is a manufactured crisis.

I yield the floor.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent all time be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nomination of Analisa Torres, of New York, to be United States District Judge for the Southern District of New York?

The nomination was confirmed.

The PRESIDING OFFICER. The question is on agreeing to the Watson nomination.

Mr. ALEXANDER. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Derrick Kahala Watson, of Hawaii, to be United States District Judge for the District of Hawaii?

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from Massachusetts (Mr. COWAN), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR) and the Senator from Kansas (Mr. MORAN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 106 Ex.]

YEAS—94

Alexander	Barrasso	Bennet
Ayotte	Baucus	Blumenthal
Baldwin	Beigich	Blunt

Boozman	Heinrich	Paul
Brown	Heitkamp	Portman
Cantwell	Heller	Pryor
Cardin	Hirono	Reed
Carper	Hoeven	Reid
Casey	Inhofe	Risch
Chambliss	Isakson	Roberts
Coats	Johanns	Rockefeller
Coburn	Johnson (SD)	Rubio
Cochran	Johnson (WI)	Sanders
Collins	Kaine	Schatz
Coons	King	Schumer
Corker	Kirk	Scott
Cornyn	Klobuchar	Sessions
Crapo	Landrieu	Shaheen
Cruz	Leahy	Shelby
Donnelly	Lee	Stabenow
Durbin	Levin	Tester
Enzi	Manchin	Thune
Feinstein	McCain	Toomey
Fischer	McCaskill	Udall (CO)
Flake	McConnell	Udall (NM)
Franken	Menendez	Vitter
Gillibrand	Merkley	Warner
Graham	Mikulski	Whitehouse
Grassley	Murkowski	Wicker
Hagan	Murphy	Wyden
Harkin	Murray	
Hatch	Nelson	

NOT VOTING—8

Boxer	Cowan	Moran
Burr	Lautenberg	Warren

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table, and the President will be immediately notified of the Senate’s action.

VOTE EXPLANATION

• Mr. COWAN. Madam President, I was necessarily absent from votes during today’s session. Had I been present for the votes on amendments relating to S. 649, the Safe Communities, Safe Schools Act of 2013 I would have opposed the Barrasso amendment, S. Amdt. 717, and I would have supported the Harkin-Alexander amendment, S. Amdt. 730. Also, I would have supported the nomination of Analisa Torres to be United States District Judge for the Southern District of New York.●

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The majority leader is recognized.

#### GUN SAFETY

Mr. REID. Madam President, this bears repeating: We knew all along that efforts to pass stronger background checks and keep guns out of the hands of criminals wouldn’t be easy, and it hasn’t been. But keeping America’s streets safe from gun violence is worth the effort.

Yesterday the families of gun violence victims watched as Republicans defeated a commonsense proposal to expand background checks. It is supported by 90 percent of the American people. It is not some hocus-pocus. What it says is that if a person is a criminal, that person shouldn’t be able to buy a gun. It says that if a person has severe mental issues, that person shouldn’t be able to buy a gun. That is all it said.

Yesterday the families of gun violence victims watched, but despite the